

**CITY OF OREM  
PLANNING COMMISSION MEETING MINUTES  
MAY 20, 2015**

The following items are discussed in these minutes:

**GLENDELL, PLAT O – APPROVED**

**CHRIST EVANGELICAL CHURCH, PLAT A – APPROVED**

**ZOA – PD-21 ZONE - CONTINUED**

**STUDY SESSION**

**PLACE –** Orem City Main Conference Room

**At 3:30 p.m.** Chair Moulton called the Study Session to order.

**Those present:** Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdale, Planner; and Loriann Merritt, Minutes Secretary

**Those excused:** Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; David Spencer, City Council Liaison

The Commission and staff briefly reviewed agenda items and minutes from May 6, 2015 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

**REGULAR MEETING**

**PLACE -** Orem City Council Chambers

**At 4:30 p.m.** Chair Moulton called the Planning Commission meeting to order and asked Carlos Iglesias, Planning Commission member, to offer the invocation.

**Those present:** Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdale, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

**Those excused:** Paul Goodrich, Transportation Engineer; David Spencer, City Council Liaison

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

**AGENDA ITEM 3.1** is a request by Richard Kartchner to amend the preliminary plat of **GLENDELL SUBDIVISION, PLAT O** at 80 West 1700 South in the R8 zone.

**Staff Presentation:** The applicant represents family members which have an interest in a large lot of record in addition to a platted lot with a dwelling. The applicant requests approval to subdivide the existing lot of record into a preliminary plat with nine lots to include a developed lot containing a dwelling as a tenth lot. The Planning Commission approved a preliminary Glendell subdivision in January 2015 but must approve the subdivision again as there is an additional lot in the current request.

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The full nine vacant lots are not desired at this time so the applicant proposes a final plat with two lots (one vacant and one with the existing house) and the full installation of 80 West and 1700 South. All improvements for eight of the nine preliminary vacant lots (water, sewer, curb, gutter, and sidewalk) will be constructed, however. This will prevent the cutting of a new road to install utility laterals when additional lots are needed and recorded on a future plat.



The remaining ninth vacant lot (Lot 10) of the preliminary plat will have improvements installed at the time when Glendell Drive is completed. This lot is large enough to create several lots should additional lots be desired.

**Recommendation:** The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission approve the preliminary plat of Glendell Subdivision Plat “O” at 80 West 1700 South in the R8 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Mr. Whetten asked if the entire road is being constructed and only the top two lots are being platted. Mr. Stroud said yes.

Mr. Whetten asked when the road that connects with the new lot will be developed. Mr. Stroud said it will be built with development.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

**Planning Commission Action:** Mr. Walker said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to approve the preliminary plat of Glendell Subdivision, Plat O with nine lots at 80 West 1700 South. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

**AGENDA ITEM 3.2** is a request by Larry Finch, Fincon Construction, to vacate Christ Evangelical Church Subdivision, Plat A and approve the final plat of **CHRIST EVANGELICAL CHURCH SUBDIVISION, PLAT A AMENDED** at 1550 South Sandhill Road in the HS zone.

**Staff Presentation:** The purpose of this request is to relocate a water main easement in favor of Orem City. The original site plan of the church has changed, which causes relocation of the existing easement. There are also two small areas along Sandhill Road which will be dedicated to Orem City as part of the Sandhill Road right-of-way.

**Recommendation:** The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission vacate Christ Evangelical Church Subdivision Plat “A” and approve the final plat of Christ Evangelical Church Subdivision Plat “A” Amended at 1550 South Sandhill Road in the HS zone.

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Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

**Planning Commission Action:** Chair Moulton said he has found that neither the public nor any person will be materially injured by vacating Christ Evangelical Church Subdivision, Plat A, and that there is good cause for the vacation. He then moved to:

1. Vacate Christ Evangelical Church Subdivision, Plat A; and
2. Approve the final plat of Christ Evangelical Church Subdivision, Plat A Amended with one lot at 1550 South Sandhill Road.

Vice Chair Iglesias seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.3** as follows:

**AGENDA ITEM 3.3** is a request by John Higgins to **AMEND ARTICLE 22-11-33 AND APPENDIX “O” AS IT RELATES TO DEVELOPMENT STANDARDS IN THE PD-21 ZONE** at 1200 South Geneva Road.

**Planning Commission Action:** Chair Moulton moved to continue this item until June 3, 2015. Ms. Larsen seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

**MINUTES:** The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then called for a motion to approve the minutes of May 6, 2015. Ms. Jeffreys moved to approve the meeting minutes for May 6 2015. Mr. Whetten seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

**DIRECTOR’S UPDATE:** Mr. Bell said the annexation has been a long process; they have been working on the annexation for two years. There have been many stumbling blocks. There was an objection from Provo City which has not been resolved. The City has done some impact fee studies and presented them to the City Council. The City Council asked Staff do a couple of more impact studies for Public Safety and Parks. They are within a week of these being completed. Initially it was going to be quite expensive to put infrastructure in the ground so the City Council discussed it for a few months, not wanting to put out the money. The developers then approached staff to put in the infrastructure and that started the process again.

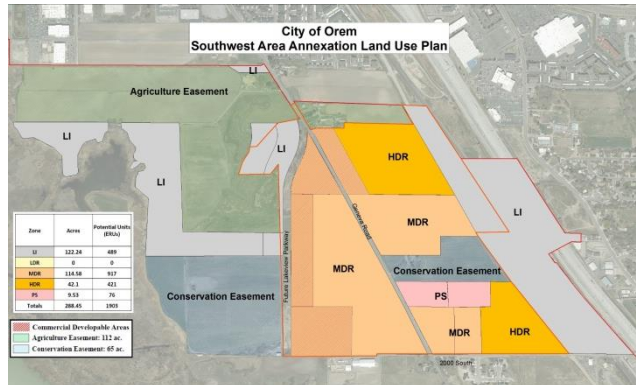
Mr. Stocksdales indicated that there is 227 acres along Geneva Road between University Parkway and 2000 South. Ms. Jeffreys asked about the land to the north and east of this annexation. Mr. Stocksdales said they have done research to see if they can annex the subject property, because it does not directly touch Orem. The annexation does include Geneva Road and so it does connect by a State road. Mr. Bench noted there is a substantial piece that touches an existing border of the City. Ms. Jeffreys asked if the property to the north wants to be annexed. Mr. Bench said they did not want to be annexed. Mr. Stocksdales said the property to the north is part of an Agriculture Easement.

Mr. Stocksdales said that 77% of the property owners are in favor of the annexation, 50% are needed for the annexation to go forward. Mr. Walker asked if those in opposition can choose to stay in the County. Mr. Bench said State law allows the City to annex as long as there is 50% of the specific area approving the annexation. Mr. Whetten asked if those who did not sign the opposition have formally opposed the



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annexation. Mr. Bench said the majority of those in opposition have come out to various meetings and openly opposed to the annexation. Ms. Buxton asked what their reasons for opposing the annexation. Mr. Stocksdale said that some of the owners want to maintain the agricultural use.



Mr. Stocksdale presented the Southwest Area Master Plan that shows potential land use adopted as part of the General Plan which will guide the zoning in the area. The two pieces labeled as Conservation Easement and Agriculture Easement has specific guidelines for development. Under State law, the properties under the Agriculture Easement cannot be annexed unless 100% of the property owners are in favor of annexation. The owners of these properties are 100% against annexation. Those under the Conservation Easement can be annexed, but the development rights have been sold, donated, etc. and so they cannot be developed or have very strict rules on what can be done. Mr. Bell said the owners could lift the Agricultural Easement at any time. Ms. Jeffreys asked what the other designations were. MDR is Medium Residential, HDR is High Density Residential, LI is Light Industrial and PS is Public Services. Mr. Stocksdale said the plan includes Geneva Road and the future Lakeview Parkway that is still in the long term plan, with these two major roads they tried to look at appropriate and current uses being done in Orem and Provo. There is an autistic school in this area that is already built. One of the thoughts was to expand the Business Park already established on the west side of Geneva Road. The high density residential plans that are tying in with development that is already in the area. Provo's Master Plan has a mix of densities of single family homes and some higher densities. It also reflects requests from the property owners. This is a medium density plan. It was important to determine the potential units in order to determine sewer and water needs. The fees are based upon the medium density model. The development will be capped out at the 1,903 units. Ms. Jeffreys asked if MDR is single family homes. Mr. Stocksdale said it will be apartments and multi-family units. Mr. Walker noted that all the total LI area is not included on the current application. He said that Pat Johnson indicated at the last meeting she wanted to be included in this application. Mr. Stocksdale said her property is to the east of the lower HDR section. Her property was not included with this application. She can apply in the future. Mr. Bench said that it would be a separate application; however, Mr. Walker agreed that the developers should put up the money for the utilities or the impact fees. Mr. Bench said that in order for Ms. Johnson's property to be annexed in, this piece will need to be annexed in.

Mr. Whetten asked about the red-hatched area along the Lakeview Parkway. Mr. Stocksdale said this area is designed to have commercial/retail uses. Ms. Buxton asked if an elementary school could go in the PS area. Mr. Bench said that is privately owned by the autistic school. Mr. Whetten asked if the City Council has had input on this annexation. He asked why the density is not being put next to the larger roads. Mr. Bench indicated that is an option. The Frontrunner will be running along the east of the property and they wanted to have high density along the railroad tracks, also. The future Lakeview Parkway could be a good retail corridor also.

Vice Chair Iglesias asked what was in the HDR currently. Mr. Bench said the majority of the property is agriculture with a few single family homes. Vice Chair Iglesias asked if there was any influence to get business buildings. Mr. Bench said the City has master planned the agriculture easement to be an expansion of the Industrial Park, and so until the property owner agrees to come into the City, it will be on hold. As Mr. Bell stated, when it went to the public comment period there was one protest that was filed by Provo

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City. Any protest needs to be addressed before the annexation can be considered by the City Council. Provo's concern was over control of 2000 South. Staff has been working with Provo and a tentative agreement has been worked out that states that Orem will have ownership of 2000 South east of the railroad lines; Provo will have ownership of the west. The agreement allows for Orem development to access from north side of 2000 South on the Provo side. They are awaiting final road alignment of cross-sections. Mr. Whetten asked what the future of 2000 South was. Mr. Kelly said 2000 South will have three lanes and then the right-of-way will go from the front of the sidewalk to the front of the sidewalk on each side. The sidewalk will be an easement and there will be a planter strip as well in case the City needs to widen the road in the future.

Ms. Larsen asked if whoever develops will only need to come to Orem for accesses onto the road. She noted that the lady who lives south of the Mansell property and does not support the annexation will be in Provo. Mr. Bench said that Mansell property getting access will be up to her or Provo can decide to buy her out. She is in the driver's seat.

Ms. Larsen asked if Provo has any plans for their side of the property. Mr. Bench said that west of Geneva Road is the higher density in Provo. It is similar to Orem. Mr. Stocksdalesaid one of the goals is to capture some of the retail sale with all the retail development going on. Ms. Larsen asked for the time frame for Lakeview Parkway. Mr. Kelly said it will be around 10-20 years. They are planning on two lanes each direction. The first phase will probably be half the road first and then as more develops they would finish the road. Ms. Larsen asked what the future plan for Geneva Road is. Mr. Kelly said that as Provo has come forward with the Lakeview Parkway, UDOT is reevaluating Geneva Road to be a three lane cross section. Geneva Road will not be wider. The further south Geneva Road goes there are a lot of historic homes that front there. This creates problems with widening the road. Ms. Larsen said the five lane portion of Geneva Road will connect with the Lakeview Parkway.

Mr. Stocksdalesaid reiterated that the City Council was concerned about paying for the estimated \$9,000,000 worth of infrastructure for sewer, water, storm water improvements. The decision was to use an impact fee to cover the entire area. The study showed the fees are in-line with other cities. The City Council instructed staff to also look at costs associated with providing fire service and recreation and maintain the level of service for those facilities. The total cost of all the fees is comparable to what is seen in other cities in the area. When using impact fees, the developers will pay the full cost of the infrastructure and the City does not have any obligation. Ms. Larsen asked when the City has the developers put in the improvements, does that put that developer in an unfair advantage in controlling what goes into that type of development. She also asked if Orem will be responsible for maintain the infrastructure. Mr. Bench said the City will inspect everything as it is being constructed and in the end the City will take over and maintaining it in the future. He noted there will be some kind of reimbursement; he will get some credit back for putting in the improvements. Mr. Walker noted that would be money from future developers, not money from the City. Mr. Bench said this is not common in Orem, but will be going forward. Mr. Bell said the developer could only develop his property and could not hold anyone connecting to the infrastructure. The developers would be working with the City. Mr. Stocksdalesaid the development will have to conform to the Master Plan and there would be no strong-arming for certain developments.

Ms. Larsen asked why these developers want to be annexed into Orem. Mr. Bench said the County will not allow any development unless the property owner has their own water system. Their only option is to be tapped into Orem's system. The developers want high density and the County wants agriculture. Mr. Stocksdalesaid that was represented at the earlier Planning Commission meeting. Ms. Jeffreys asked if the owners of the property want to have high density residential. Mr. Stocksdalesaid there was a public open house/neighborhood meeting with different scenarios presented. Based on feedback from the open house, developers, and property owners, those signing the petition and City Council recommendations; staff recommends a Medium Density Plan with a tie into the impact fees based on the number of units.

Chair Moulton asked if the annexation goes through and the current developments do not go through, does that put the City under any obligation for infrastructure. Mr. Bench said the infrastructure will not happen until there is development. Mr. Stocksdalesaid that is the reason for using the impact fee method. Mr. Bench added that in a normal annexation the process starts from the current border south. However, these



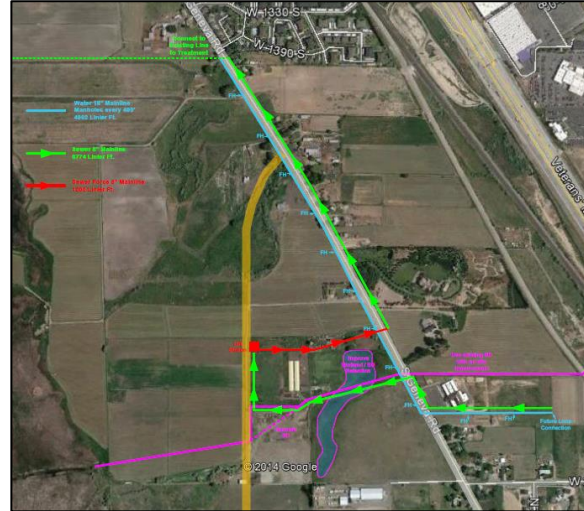
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developers are at the most south end. In order to get services down to them, someone has to pay for it. The City has already let them know they will not pay for it. They can pay for services upfront and get reimbursed over time. If they do not want to go this route, the City can wait for it to annex from the boundary. Vice Chair Iglesias asked if the reimbursement is in credits. Mr. Bench said yes.

Mr. Stocksdale listed what the developers will install:

- Sewer line in Geneva Road with a Lift Station;
- Water line in Geneva Road;
- Storm Drain System for initial developments will be designed and engineered as part of those particular projects;
- Initial utility installation can easily be expanded for future growth in the area.

This installation will be a core installation allowing mostly all of those wanting to develop in the annexation area the ability to do so now or in the future.



Mr. Bench said the applicants have requested that everything comes through at one time, so that they do not have to come back to the City Council multiple times. In order for that to happen, everything has to be in place to go through. That is the reason it has not come to the Planning Commission, there has been problems with the traffic study, the agreement with 2000 South, the impact study, etc. Under normal circumstances the annexation would go through and the City would place a holding zone on the property until the rezone comes through. The next time this application comes before the Planning Commission it will be the complete package – General Plan, rezone, PD zone, traffic study, impact fee, all will be discussed in one meeting and then forwarded on to the City Council. Mr. Walker asked when this will happen. Mr. Bench said that staff is looking for late June/early July.

Ms. Larsen asked if this is a General Plan idea from the developer. Mr. Bench said it was a multi-faceted approach. In order to get the infrastructure in, the City realizes that in order to reimburse anyone the development has to have a higher density to recoup the cost. Mr. Bench said the sewer is capped at 1,900 units or Equivalent Residential Units (ERUS) and that played into the decision. Ms. Larsen asked if the developers can come back and ask for high density. Mr. Bench said the City Council could go a little higher, but the limit is 1,900 units.

Ms. Larsen said it takes time to do things right, because this is a huge change. The developer is investing his money, but in the overall standpoint the City will have to maintain whatever is done. It is important to do the homework and make sure everything is in order. Ms. Jeffreys said she was concerned with the development that wanted to make changes without City Council approval. Mr. Bench said staff asked them to remove that. Ms. Buxton asked what was in the Conservation Easement. Mr. Bench said the owners sold off their development rights to a conservation group for money. The conservancy group will not let them develop in the future. Mr. Bench said that staff will be presenting more information in the future.

Mr. Whetten asked if there will be a light at 2000 South and Geneva Road. Mr. Kelly said with Geneva Road being a State Road, it will happen when it meets their warrants for installation. If development came through and UDOT sees a need they would install a light at the intersection.

**ADJOURN:** Chair Moulton called for a motion to adjourn. Ms. Buxton moved to adjourn. Ms. Jeffreys seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

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**Adjourn: 5:16 p.m.**

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Jason Bench  
Planning Commission Secretary

Approved: June 3, 2015